

By the way, the fact is, this inversion virus is something that can't be ignored any longer. That alone is an indication that the Congress cannot duck the need to reform the Tax Code comprehensively. Look at those Members who are in key positions in the Congress and have made it clear that they want bipartisan tax reform—both Democrats and Republicans. For example, Chairman BRADY, Chairman HATCH, and myself, as well as a number of colleagues on both sides of the aisle, have said they want to do comprehensive tax reform and want to—as I have described it—pass these extenders so we can break the chain of the every year or every 2 years extension. We are not the “extender” Congress. I don't want us to have to come back to this every 2 years, doing the same old, same old. We can do a lot better, and this time we have at least laid the foundation for real tax reform.

I want to thank a number of my colleagues. In particular, I wish to thank Chairman HATCH, our committee members on both sides of the aisle, and the two leaders—Leader REID and Leader MCCONNELL—for their efforts. We had an awful lot of dedicated staff people working on this issue. Our diligent tax counsel is here, Todd Metcalf. I thank him for his great work. Our terrific staff director, Josh Sheinkman, our chief counsel, Mike Evans, and the members of our tax team, Ryan Abraham, Bobby Andres, Chris Arneson, Adam Carasso, Danielle Deraney, Kera Getz, Rob Jones, Eric Slack, Tiffany Smith, and Todd Wooten. All of them have worked long hours to get us up to this point.

I also want to commend Liz Jurinka and Juan Muchado of our health staff because they joined a very good leadership team. I must thank Senator REID's chief tax aide, Ellen Doneski, Chairman HATCH, and his staff, led by Chris Campbell, Mark Prater, and Jay Khosla. Brendon Dunn, with Senator MCCONNELL's office and George Callas and Chairman BRADY's tax staff were instrumental. All of them came together to help us put this together.

I now believe there is a real opportunity to use this bill as a springboard to real tax reform. I have written two bipartisan tax reform bills over the years, first with our former colleague from New Hampshire, Judd Gregg, and the second with our current colleague, Senator COATS, the distinguished Senator from Indiana. I know my wife would always say: I keep hearing about these tax reform bills, dear. Write me when something actually happens.

I will tell you, I think the combination of this inversion virus—which if it keeps growing is going to hollow out America's tax system—and the fact that we have brought some certainty and predictability to the Tax Code added some very sensible provisions in a permanent way. This really gives us an opportunity now. The table is set for real tax reform, and that is not something we have had before.

I just want to close by way of saying that I am so honored to represent Oregon in the U.S. Senate. I was director of the senior citizens Gray Panthers for about 7 years before I came to the Congress. I have had a lot of exciting moments in my time in public service, but to be part of this bipartisan legislative effort that provides the biggest tax cut for working families and the biggest anti-poverty plan Congress has moved forward in decades is particularly thrilling.

I thank all of my colleagues and their staff who have done so much to make this possible.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

#### UNANIMOUS CONSENT REQUEST— S. 248

Mr. MORAN. Mr. President, I wish to address my colleagues on the National Labor Relations Act. It was enacted in 1935, and that legislation exempted Federal, State, and local governments but did not explicitly mention Native American governments from the provisions of the act. As a matter of sovereignty, Indian tribes—tribes across the country—should be excluded from the provisions of the NLRB. For 70 years, the NLRB honored the sovereign status, and it accorded them the rights they are entitled to under the Constitution of the United States.

Beginning in 2004, however, the NLRB reversed its treatment of tribes and legally challenged those tribes in regard to the NLRB. The Tribal Labor Sovereignty Act, which I introduced and passed in the Senate Committee on Indian Affairs in a bipartisan way, is simple.

The National Labor Relations Act is amended to provide that any enterprise or institution owned or operated by an Indian tribe and located on tribal lands is not subject to the NLRA. This is not a labor issue. This is a sovereignty issue. The narrow legislation protects tribal sovereignty and gives tribal governments the ability to make the best decisions possible for their people. This legislation seeks to treat tribal governments no differently than other units of local government, counties, and cities. As I said, this legislation not only passed the Senate committee, but similar legislation passed the House of Representatives in a bipartisan vote.

The late Senator Inouye of Hawaii wrote in 2009: “Congress should affirm the original construction of NLRA by expressly including Indian tribes in the definition of an employer.”

This bill presents Congress with an opportunity to reaffirm the constitutional status of sovereignty that tribes are entitled to under the supreme law of our land.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 220, S. 248 and that the bill be read a third time and passed and the motion

to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I will briefly explain the reasons I am reserving the right to object. I, first of all, thank Senator MORAN. As a fellow member of the banking committee, while I disagree with him on this issue, we have found many things we can work together on, and I appreciate that.

As Senator MORAN does, I strongly support sovereignty, as I know virtually everybody in this body probably does. But this bill, frankly, isn't about tribal sovereignty; it is about undermining labor law that protects the rights of workers to organize and collectively bargain.

We have a middle class in this country in large part because since the 1930s—since Hugo Black sat at this desk and Senator Wagner sat at another desk in this chamber and wrote collective bargaining laws—we know what that has done to raise wealth, not just for union members but for others also.

This bill attempts to overturn the National Labor Relations Board decisions that have asserted the Board's jurisdiction over labor disputes on tribal lands. The Board methodically evaluates when they do and don't have jurisdiction on tribal lands by using a very carefully crafted test to ensure that the Board's jurisdiction would not violate tribal rights and would not interfere in the exclusive right to self-governance. We support that.

In the June 2015 decision, the NLRB employed the test. They did not assert jurisdiction in a labor dispute on tribal lands. Instead, this bill is part of an agenda to undermine the rights of American workers, including the 600,000 employees of tribal casinos. Of those employees, 75 percent are non-Indians. Courts have upheld the application to the tribes of Federal employment laws, including the Fair Labor Standards Act, the Occupational Safety and Health Act, the Employment Retirement Income Security Act—that is OSHA and ERISA—and title 3 of the Americans with Disabilities Act, the ADA—all very important to protect people, workers, and citizens.

In addition to harming thousands of already organized workers in commercial tribe enterprises, casinos, and other things, this bill would establish a dangerous precedent to weaken longstanding tribal protections on tribal lands. For these reasons, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MORAN. Mr. President, I am disappointed the Senator from Ohio has objected, and I will continue our efforts both in the committee and on the Senate floor to see that this legislation or

legislation similar to it is advanced for the purposes of reaffirming the constitutional grant of sovereignty—the sovereignty of those who preceded us in the country.

#### TRIBUTE TO BRIAN PERKINS

Mr. MORAN. Mr. President, on a different topic, just for a moment I would like to indicate that it is time, unfortunately, for me to say good-bye to one of my long-time employees, Brian Perkins of Wichita, KS. A Kansan through and through is departing our staff at the end of the year.

Brian came to our office when I was a House Member in 2009 and followed me here to the U.S. Senate. Among the issues that I consider most important as we try to care and work on behalf of Kansans and Americans are issues related to health care and issues related to education. Brian has been front and center in our office, day in and day out, on these issues.

I have many wonderful and qualified staff members, but I think Brian is the role model for all of them, including for me. We have seen Brian time and again step up and act above and beyond the norm. In every setting he is genuine, he is sincere, and he demonstrates his care for Kansans in each and every circumstance. He is intelligent and knows the details of health care and education law, but the compelling factor about Brian is that he cares so much about getting it right and doing things for the right reasons.

I understand there is sometimes a lack of appreciation by Americans across the country for the people who work here. I would exclude me and other Members of Congress from this statement, but I would think that almost without exception all of our staffs are worthy; those who work in the Senate, who work in our offices, and who work in committees are worthy of esteem and respect. These are people who work hard every day for a good and worthy cause. Most of them have an interest in policy or an interest in politics and decided that Washington, DC, the Nation's Capital was a place where they could do something for the good of their country. Brian exemplifies that.

It is not easy to say good-bye to Brian. As Senators, we spend a lot of time with our staff. I want to express my gratitude to him on behalf of my family and me. I wish him and his family, Beth and their children, all the best as they move closer to family. It is another attribute of Brian; I think he has the sense that he hates to leave, but he knows he has a responsibility to his family. That is something Kansans also admire and respect.

Brian, thank you very much for all the hours, days, weeks, months, and years in which you have advanced the good cause of government for the people of our State and the people of our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Thank you, Mr. President.

Mr. INHOFE. Will the Senator yield?

Mr. SASSE. Yes.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator of Nebraska and the Senator of Georgia that I be recognized along with the Senator from New Mexico.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXECUTIVE OVERREACH AND THE SEPARATION OF POWERS

Mr. SASSE. Mr. President, today I would like to propose a thought experiment. Imagine if President Trump has been propelled into the White House with 300 electoral votes, having won mainly by the force of his personality, by calling BS on this town, and by his promise to “get things done” by acting unilaterally.

The first 100 days are huge. He signs an order to turn the Peace Corps into stone masons to build a southern wall. He shuts the Department of Education, and by Executive order, he turns the Department of Interior into the classiest oil company the world has ever known.

What happens next? Would those who have stayed silent about Executive overreach over the last 7 years suddenly find religion? After years of legislative atrophy, would Congress spring into action and remember its supposed power of the purse?

And what about the Republicans? After having raged against a supposedly lawless President, would they suddenly find that they are OK with a strongman President, so long as he is wearing the same color jersey they are? He may be a lawless son of a gun, some would say, but he is our lawless son of a gun. Would the end justify the means?

The way Congress thinks and talks about Executive power over the last few years has almost been this sophomoric. It has been based overwhelmingly on the party tag of whoever happens to sit in the Oval Office at any given moment. Republicans, Democrats, us versus them—these are the political trenches, and the no man's land lies somewhere between this Chamber and 1600 Pennsylvania Avenue, NW. When your highest objective is advancing partisan lines on a map, it is easy to forgive a President who oversteps his authority, so long as he is your guy and the one with authority is in your party.

This Senator suggests that this is the entirely wrong way to think about this issue. The problem of a weak Congress—which we are—and the growth of the unchecked Executive should be bad news to all of us. But more importantly than us, this should be bad news for every constituent who casts their

votes for us under the impression that the Congress actually makes decisions and doesn't just offer whiny suggestions.

The shrinking of the legislature in the age of Obama should be bad news for all of us for three reasons. First, we have taken an oath to defend the Constitution, and the Constitution invests the legislature with the legislative powers.

Second, the Founders' design of checks and balances actually was and is a good idea. They were struggling to preserve the freedom of the individual and especially of the vulnerable against the powerful—against those who could afford to hire the well-connected lobbyists. The Founders were equally afraid of the unchecked consolidation of power in a king or in the passions of a mob. They understood that human nature means that those in power will almost always try to grab more power, and that base reality hasn't changed over the last 230 years.

Third, under the system that is now emerging, the public is growing more and more frustrated. They think that most of us will be reelected no matter what, and they think that the executive agencies that daily substitute rulemaking for legislating will promulgate whatever rules they want, no matter what, and that the people have no control. People grow more cynical in a world where the legislators who can be fired—that is what elections are for—have little actual power and a world where bureaucrats, who have most of the actual power, cannot be fired. It is basically impossible for the people who are supposed to be in charge of our system to figure out how they would throw the bums out. They ask: Where is the accountability in the present arrangement?

Allow me to be clear about two issues up front. First, this Senator believes that the weakness of the Congress is not just undesirable; it is actually dangerous for America and her future. Second, this Senator thinks so not because I am a Republican and we have a Democrat in the White House; rather, I think this because of my oath of office to a constitutional system, and I will continue to hold this view, having taken this oath, the next time a Republican President tries to reach beyond his or her constitutional powers. Despite these two strongly held views, though, in this series of addresses on the growth of the administrative State and more broadly on the unbalanced nature of executive and legislative branch relations in our time, my goal will not be primarily to advocate. My first goal is just to do some history together.

My goal is primarily to describe how the executive branch has grown and how Presidents of both parties are guilty of it. But it isn't just that Republicans and Democrats are guilty of trying to consolidate more power when they have the Presidency, although that is true; it is a one-way ratchet. It